

SA/PC: 10/23/03 229689
PATENTAttorney Reference Number 4239-66491
Application Number 09/744,289

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Szu et al.

Application No. 09/744,289

Filed: August 1, 2001

Confirmation No. 3981

For: VACCINES AGAINST ESCHERICHIA
COLI O157 INFECTION

Examiner: Virginia Allen Portner

Art Unit: 1645

Attorney Reference No. 4239-66491

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed

November 11, 2003COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450DECLARATION OF SHOUSUN C. SZU UNDER 37 C.F.R. §1.132

I, SHOUSUN CHEN SZU declare as follows:

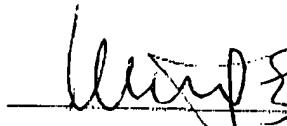
1. I have read and understand the patent application of Szu *et al.*, Application No. 09/744,289 entitled VACCINES AGAINST ESCHERICHIA COLI O157 INFECTION.
2. I am an inventor of the subject matter that is currently claimed in the above-referenced application.
3. I made a symposium presentation on L.Ps-based vaccines on June 26, 1997.
4. The public did not have prior access to the slides used in the presentation, and no prints of the slides were disseminated to the public.
5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or

SAS/DC 10/21/03 229689
PATENT

Attorney Reference Number 4239-66491
Application Number 09/744,289

both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements made may jeopardize the validity of the application or any patent issuing thereon.

Date: Nov. 7th, 2003


Shousun Chen Szu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No. 09/744,289

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Agent
for Applicant(s)

Date Mailed


November 11, 2003

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

DECLARATION OF SHOUSUN C. SZU AND JOHN B. ROBBINS
UNDER 37 C.F.R. §1.132

We, SHOUSUN CHEN SZU and JOHN B. ROBBINS declare as follows:

1. We have each read and understand the patent application of Szu *et al.*, Application No. 09/744,289 entitled VACCINES AGAINST ESCHERICHIA COLI O157 INFECTION.
2. We are each inventors of the subject matter that is currently claimed in the above-referenced application, and authors on the cited reference, Konadu *et al.*, *J. Infect. Diseases* 177:383-87, 1998.
3. Inventor and applicant Edward Konadu is deceased.
4. We are both in agreement that James C. Parke, Jr., Hung T. Tran and Dolores A. Bryla are authors on the cited reference, Konadu *et al.*, *J. Infect. Diseases* 177:383-87, 1998, but

made no contribution to the subject matter that is currently claimed in the above-referenced application. Thus, Konadu *et al.*, 1998 is the publication of our work with Dr. Konadu.

5. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements made may jeopardize the validity of the application or any patent issuing thereon.

Date: _____, 2003

Shousun Chen Szu

Date: _____, 2003

John B. Robbins